

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 Lacey Edward Cain,

5 Plaintiff,

6 v.

7 Noah Martin Burruss,

8 Defendant.  
9

Case No. 2:25-cv-01251-ART-BNW

10 **SCREENING ORDER**

11 Presently before the court is pro se Plaintiff's complaint (ECF No. 1-1) and application to  
12 proceed in forma pauperis (ECF No. 1).

13 **I. In forma pauperis application**

14 Plaintiff submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to  
15 prepay fees and costs or give security for them. Accordingly, Plaintiff's request to proceed in  
16 forma pauperis will be granted.

17 The court now screens Plaintiff's complaint as required by 28 U.S.C. § 1915(e)(2).

18 **II. Analysis**

19 In screening a complaint, a court must identify cognizable claims and dismiss claims that  
20 are frivolous, malicious, fail to state a claim on which relief may be granted, or seek monetary  
21 relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). A complaint is  
22 frivolous if it contains "claims whose factual contentions are clearly baseless," such as "claims  
23 describing fantastic or delusional scenarios." *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989).  
24 Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to  
25 state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108,  
26 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient factual  
27 matter, accepted as true, to state a claim to relief that is plausible on its face." *See Ashcroft v.*  
28 *Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only

1 dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of  
2 his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir.  
3 2014) (*quoting Iqbal*, 556 U.S. at 678).

4 Here, Plaintiff fails to state a claim upon which relief can be granted. From what the Court  
5 can discern, Plaintiff’s allegations describe fantastic and delusional scenarios. For example,  
6 Plaintiff contends several individuals, including Congresswoman Alexandria Ocasio-Cortez, are  
7 attempting to kidnap him. He also alleges he is being followed at different casinos in Las Vegas  
8 at the behest of these individuals. In addition, he also alleges a tracking device has been  
9 implanted in his shoes and that Defendants Kabryna Brown and Congresswoman Alexandria  
10 Ocasio-Cortez walk past him, in disguise, and taunt him. His claims include entrapment, stalking,  
11 targeting, third-degree torture, intrusion, hacking, and abuse of authority.

12 First, Plaintiff’s causes of actions are overwhelmingly based on criminal conduct. Plaintiff  
13 does not have a private right of action to bring these claims. *See Aldabe v. Aldabe*, 616 F.2d 1089,  
14 1092 (9th Cir. 1980) (no private right of action under federal criminal statute); *Yoakum v.*  
15 *Hartford Fire Ins. Co.*, 923 P.2d 416, 421 (Idaho 1996) (no private right of action under state  
16 criminal statute); *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (“[A] private citizen lacks a  
17 judicially cognizable interest in the prosecution or nonprosecution of another.”); *Johnson v. Craft*,  
18 673 F. Supp. 191, 193 (D. Miss. 1987) (“The decision to prosecute a particular crime is within the  
19 authority of the state, and there appears to be no federal constitutional right to have criminal  
20 wrongdoers brought to justice.”).

21 In addition, it is not clear that venue is proper in this District. Section 1391(b) of Title 28  
22 of the U.S. Code provides, in pertinent part, that a “civil action may be brought in – (1) a judicial  
23 district in which any defendant resides, if all defendants are residents of the State in which the  
24 district is located; [or] (2) a judicial district in which a substantial part of the events or omissions  
25 giving rise to the claim occurred, or a substantial part of property that is the subject of the action  
26 is situated[.]” 28 U.S.C. § 1391(b); *Costlow*, 790 F.2d at 1488; *Decker Coal Co. v.*  
27 *Commonwealth Edison Co.*, 805 F.2d 834, 842 (9th Cir. 1986). “The district court of a district in  
28 which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the

1 interests of justice, transfer such case to any district or division in which it could have been  
2 brought.” 28 U.S.C. § 1406(a). Plaintiff does not state the residence of the defendants and much  
3 of the conduct is based on allegations that took place in Los Angeles and Portland.

4 Lastly, the allegations are fantastical. As a result, Plaintiff fails to state a claim upon  
5 which relief can be granted. The Court, therefore, will dismiss Plaintiff’s complaint without  
6 prejudice for Plaintiff to file an amended complaint.

7 If Plaintiff chooses to file an amended complaint, the document must be titled “Amended  
8 Complaint.” The amended complaint must contain a short and plain statement describing the  
9 underlying case, the defendants’ involvement in the case, and the approximate dates of their  
10 involvement. *See* Fed. R. Civ. P. 8(a)(2). It must explain also state where the conduct for each  
11 claim took place. Although the Federal Rules of Civil Procedure adopt a flexible pleading  
12 standard, Plaintiff still must give defendants fair notice of the Plaintiff’s claims against them and  
13 Plaintiff’s entitlement to relief.

14 The amended complaint also must contain a short and plain statement of the grounds for  
15 the Court’s jurisdiction. *See* Fed. R. Civ. P. 8(a)(1). Regarding jurisdiction, Plaintiff is advised  
16 that “[f]ederal district courts are courts of limited jurisdiction, possessing only that power  
17 authorized by Constitution and statute.” *K2 Am. Corp. v. Roland Oil & Gas, LLC*, 653 F.3d 1024,  
18 1027 (9th Cir. 2011) (quotation omitted). Federal district courts “have original jurisdiction of all  
19 civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. §  
20 1331. Federal district courts have original jurisdiction over civil actions in diversity cases “where  
21 the matter in controversy exceeds the sum or value of \$75,000” and where the matter is between  
22 “citizens of different States.” 28 U.S.C. § 1332(a). “Section 1332 requires complete diversity of  
23 citizenship; each of the plaintiffs must be a citizen of a different state than each of the  
24 defendants.” *Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir. 2001).

25 Additionally, Plaintiff is advised that if he files an amended complaint, the original  
26 complaint no longer serves any function in this case. As such, the amended complaint must be  
27 complete in and of itself without reference to prior pleadings or other documents. The Court  
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1 cannot refer to a prior pleading or other documents to make Plaintiff's amended complaint  
2 complete.


3 **III. Conclusion**

4 **IT IS THEREFORE ORDERED** that Plaintiff's Application for Leave to Proceed In  
5 Forma Pauperis (ECF No. 1) is **GRANTED**. Plaintiff will not be required to pay the filing fee in  
6 this action. Plaintiff is permitted to maintain this action to conclusion without the necessity of  
7 prepayment of any additional fees or costs or the giving of a security for fees or costs. This order  
8 granting leave to proceed in forma pauperis does not extend to the issuance of subpoenas at  
9 government expense.

10 **IT IS FURTHER ORDERED** that the complaint (ECF No. 1-1) is **DISMISSED** without  
11 prejudice for failure to state a claim upon which relief can be granted, with leave to amend.

12 **IT IS FURTHER ORDERED** that Plaintiff shall have until **August 18, 2025** to file an  
13 amended complaint. Failure to file an amended complaint will result in a recommendation that  
14 this case be dismissed.

15  
16 DATED: July 17, 2025

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19 Brenda Weksler  
20 United States Magistrate Judge  
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